



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8960

MAY 21 2015

Ms. Laurel Lockett
Carlton Fields
Corporate Center Three at International Plaza
4221 W. Boy Scout Blvd, Suite 1000
Tampa, Florida 33607-5780

Dear Ms. Lockett:

This letter is in response to recent correspondence from you to Lisa Ellis (EPA Attorney-Advisor) dated April 29, 2015, as well as issues raised in a telephone conversation between you, Linda Brennenman, Esq. (BASF) and the U.S. Environmental Protection Agency's Office of Regional Counsel and U.S. Department of Justice representatives held on the same date to discuss the path forward to address contamination in the floodplain at the Ciba-Geigy OU-3 Superfund Site located in McIntosh, Washington County, Alabama (Site). The EPA recognizes the work performed by BASF to date to protect human health and the environment at the Site and looks forward to working with both BASF and Olin to address contamination in the floodplain. I would like to invite BASF to meet with the EPA Regional Office staff in June of this year, at the EPA Region 4 offices, to begin the scoping of a Work Plan to conduct the additional remedial investigation activities that the EPA believes are necessary to fully determine the nature and extent of contamination from the Ciba-Geigy Site.

Prior to the meeting and per BASF's request, this letter provides details on the following steps discussed during the April 29, 2015 call, which the EPA believes BASF must perform at the Site in order to support an EPA modification to the Ciba-Geigy OU-3 Record of Decision (ROD):

- **Identify Data Gaps:** Determine the extent of existing data that can be used in assessing site conditions and risk as well as identify any data gaps, per the April 22, 2015 email sent to BASF from Charles King that is referenced in your April 29, 2015 letter.
- **Scope a Work Plan:** Submit to the EPA a Work Plan for conducting additional investigation and characterization of contamination and impacts to biota within OU-3. [Ref. EPA's *Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA*, OSWER Dir. 9355.3-01, October 1988]. This Work Plan should be developed to include and accomplish the following:
 - Refine the conceptual site model to identify potential releases of hazardous substances (including from other operable units) into and out of OU-3, identify contaminants of potential concern, mechanisms of toxicity, exposure pathways, and receptors. This is typically done using the existing data, which can be used to identify outstanding issues to guide future data collection. Refine baseline problem



formulation to define the assessment and measurement end points and risk questions, which will include the ecological receptors to be evaluated.

- A sampling/analysis plan (SAP) developed to determine the full extent of DDTR (and other COCs) in soil/sediment, surface water, groundwater and biota throughout the floodplain and the impacts to ecological receptors.
 - Data Quality Objectives (DQOs) which identify the type and quality of data needed to support decisions, including exposure assumptions, toxicity reference values, and bioaccumulation factors for the ecological risk assessment. Discuss whether bioaccumulation factors will be derived from existing data or from new data collection.
 - A work plan schedule for the SAP or other needed documents to be submitted to the EPA for review/approval.
- **Conduct Additional Sampling:** Conduct characterization field work per the approved work plan with oversight by the EPA. Investigations may be performed in spring 2016 depending on work plan approval date and floodplain conditions. Some investigations will be performed on Olin property in the area near Round pond that is described in the Olin OU2 ROD.
 - **Submit Data:** Provide sampling data to the EPA in a timely manner and in electronic format consistent with EPA Region 4 policy.
 - **Submit Supplemental Remedial Investigation (RI) Report:** Prepare and submit a Supplemental RI Report to the EPA that includes a summary of the characterization results along with description of nature and extent of the OU-3 contamination relative to the established DQOs and the preliminary remedial goals. The RI report will include both an updated Baseline Risk Assessment for Human Health and an updated Ecological Risk Assessment that shall be prepared after close consultation with EPA Region 4 subject matter expert(s).
 - **Revise Supplemental RI Report:** Respond to the EPA comments on the RI Report (including Ecological Risk Assessment) submitted by BASF. The EPA review may result in submittal of written comments to be addressed by BASF, which could result in revisions to the RI Report and resubmittal for EPA approval.
 - **Submit Focused Feasibility Study (FFS):** Prepare and submit an FFS to the EPA that develops and evaluates possible remedial alternatives to address any unacceptable risks to human health and the environment posed by the contamination at the Site. **NOTE: EPA and BASF will likely scope the types of actions that would be considered in the FFS in order to streamline the possible alternatives and develop revised Remedial Action Objectives (RAOs).**
 - **Revise FFS:** Respond to the EPA comments on the FFS submitted by BASF. EPA review may result in submittal of written comments to be addressed by BASF, which could result in revisions to the FFS and resubmittal for EPA approval.

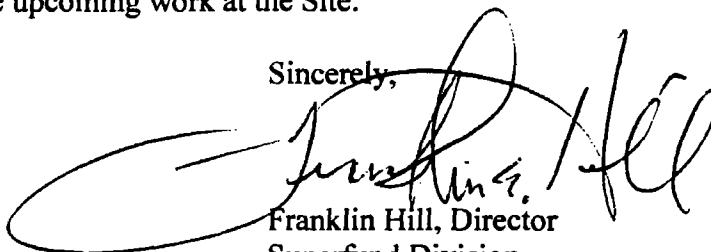
Upon completion of the above referenced tasks, EPA will issue a Proposed Plan, Notice of Availability to the public, conduct a public meeting and issue an Amended ROD (after public comment period) describing remedy changes that likely include revised RAOs, a revised cleanup level for DDTR in soil/sediments, new chemical-specific ARARs (e.g., ambient water quality criteria from the Alabama Water Quality Standards) and an update of current ARARs, new ecological receptors to be monitored assessing effectiveness of remedy, as well specific remedy components (e.g., more capping and/or excavation) to achieve RAOs.

The EPA understands that BASF would like to perform the characterization work and draft the revised ecological risk assessment. In response to BASF's statement that the company prefers to seek new data and that the old data might not be useful or reflective of Site conditions, EPA's position is that both new and historical data are useful in determining the nature and extent of contamination as well as the associated risks at sites. As mentioned during the call with Regional Counsel, the EPA will be involved in the scoping and review/approval of any reports issued by BASF and EPA intends to set clear expectations as part of that process so that BASF's work will be useful in support of EPA's modification of the OU-3 ROD.

As stated above, the EPA would like to host an in-person meeting with BASF to discuss the steps listed above for moving forward with investigation of the Site. The EPA expects that this meeting could take a day and half and that the technical teams for the EPA and BASF would establish the specific agenda topics. The following dates are proposed: June 17, 2015 and June 18, 2015; or June 24, 2015 and June 25, 2015. Please respond to Lisa Ellis by May 29, 2015 regarding BASF's availability and interest in participating in a meeting. Depending on my schedule, I may be able to participate in some of the meeting sessions.

The EPA Region 4 staff and management look forward to meeting with you in June and to collaborating with BASF on the upcoming work at the Site.

Sincerely,



Franklin Hill, Director
Superfund Division

cc: Linda Brenneman
Steve Havlik